THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9228 of 2006

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DATED:28-04-2006

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BETWEEN

Church of South India Trust Association.

...PETITIONERS

AND

The District Collector, Panchayat Department, Krishna District, Machilipatnam and another.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9228 of 2006

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the first respondent in granting prior permission to the second respondent to renovate

the Church, situated in Sy.No.3/3, Vidyanagar, hamlet of Pinapalsa, G. Kondur Mandal, belonging to the petitioner, vide D.Ds.No.637/2005 Pan.7, dated 29-03-2005, as illegal and arbitrary.

The case of the petitioner is that the petitioner Association has acquired several properties in the country and that the Church Missionary Trust Association Ltd., Company (London) made over an extent of Ac:62-88 cents of land in Vidyanagar, hamlet of Penupalsa, G. Kondur Mandal, along with a Church pastor's house etc., in its favour. It is stated that when the second respondent Society was interfering with its peaceful possession of the Church and the said appurtenant land, it filed O.S.No.2324 of 2004 on the file of IV Additional Junior Civil Judge, Vijayawada for permanent injunction and the same was decreed on 27-06-2005. Thereafter, with a view to renovate the said Church, the petitioner Society addressed a letter to the Mandal Development Officer, G. Konduru, seeking financial assistance from the Minority Corporation and the said matter was recommended to the District Minority Welfare Officer on 19-11-2002. While so, on a representation made by the second respondent to the first respondent seeking permission to renovate the Church, the first respondent, without conducting any enquiry and without finding out to whom the Church belongs, issued the impugned proceedings granting permission to the second respondent to renovate the Church. The petitioner Society made representations dated 19-09-2005 and 28-03-2006 to the first respondent, but the same have not been considered and disposed of. Hence, the writ petition.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion as to the merits of the case and therefore, it is appropriate to direct the first respondent to consider and dispose of the said representations.

Accordingly, the writ petition is disposed of directing the first respondent to consider and dispose of the representations of the petitioner dated 19-9-2005 and 28-03-2006 after giving reasonable opportunity to the petitioner as well as the second respondent and pass appropriate orders in accordance with law. No order as to costs.

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V. ESWARAIAH, J

Dated: 28-04-2006

sj